

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

6885

11 FEDERAL NATIONAL MORTGAGE,) No. CV 13-06842-UA
12 et al.,)
13 Plaintiffs,) ORDER SUMMARILY REMANDING
14) IMPROPERLY-REMOVED ACTION
15 v.)
16 LANCE TURNER, et al.,)
17 Defendants.)

17 The Court will remand this "Complaint for Unlawful Detainer
18 Following Foreclosure Sale CCP § 1161a(b)(3)," Case No. 13F01742, to
19 state court summarily because Defendant removed it improperly.

20 On September 18, 2013, Defendant Deanna Turner, who is not a
21 named party in what appears to be a routine unlawful detainer action
22 in California state court, lodged a Notice Of Removal of that action
23 to this Court and also presented an application to proceed in forma
24 pauperis. The Court has denied the latter application under separate
25 cover because the action was not properly removed. To prevent the
26 action from remaining in jurisdictional limbo, the Court issues this
27 Order to remand the action to state court.

28 Simply stated, Plaintiff could not have brought this action in

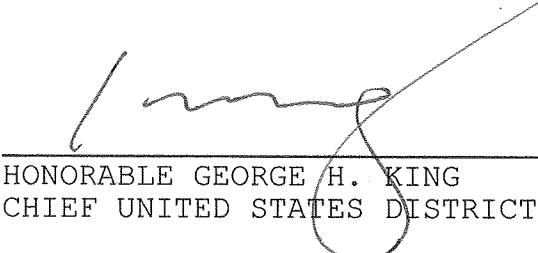
federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563, 125 S.Ct. 2611 (2005). Even if complete diversity of citizenship exists, the amount in controversy does not exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that the amount in controversy does not exceed \$10,000.

Nor does Plaintiff's unlawful detainer action raise any federal legal question. See 28 U.S.C. §§ 1331, 1441(b).

Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to the Superior Court of California, Los Angeles County, Long Beach Courthouse, 415 West Ocean Blvd., Long Beach, California 90802 for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this Order on the parties.

IT IS SO ORDERED.

DATED: 9/26/13


HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE